

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,
CONTRARIAN CAPITAL FUND I, L.P.,
CONTRARIAN CAPITAL SENIOR SECURED, L.P.,
CONTRARIAN EM II, LP, CONTRARIAN
EMERGING MARKETS, L.P., POLONIUS
HOLDINGS, LLC, CONTRARIAN FUNDS, L.L.C.,
and CONTRARIAN DOME DU GOUTER MASTER
FUND, LP,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 21-18-LPS

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,
CONTRARIAN CAPITAL FUND I, L.P.,
CONTRARIAN DOME DU GOUTER MASTER
FUND, LP, CONTRARIAN CAPITAL SENIOR
SECURED, L.P., CONTRARIAN EM II, LP,
CONTRARIAN EMERGING MARKETS, L.P.,
POLONIUS HOLDINGS, LLC, CONTRARIAN
FUNDS, L.L.C., EMMA 1 MASTER FUND, L.P., and
E1 SP, A SEGREGATED ACCOUNT OF EMAP SPC,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 22-131-LPS

CONTRARIAN CAPITAL MANAGEMENT, L.L.C.,
CONTRARIAN CAPITAL FUND I, L.P.,
CONTRARIAN DOME DU GOUTER MASTER
FUND, LP, CONTRARIAN CAPITAL SENIOR
SECURED, L.P., CONTRARIAN EM II, LP,
CONTRARIAN EMERGING MARKETS, L.P.,
BOSTON PATRIOT SUMMER ST LLC, POLONIUS
HOLDINGS, LLC, CONTRARIAN FUNDS, L.L.C.,
EMMA 1 MASTER FUND, L.P., and E1 SP, A
SEGREGATED ACCOUNT OF EMAP SPC,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 22-263-LPS

RUDI LOVATI and
ALESSANDRO LUCIBELLO PIANI,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-340-LPS

PHARO GAIA FUND LTD. and
PHARO MACRO FUND LTD.,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-360-LPS

PHARO GAIA FUND LTD., PHARO MACRO FUND LTD. and PHARO TRADING FUND, LTD.,

Plaintiffs,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-361-LPS

GRAMERCY DISTRESSED OPPORTUNITY FUND LLC,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-378-LPS

GRAMERCY DISTRESSED OPPORTUNITY FUND LLC,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-379-LPS

SAINT-GOBAIN PERFORMANCE PLASTICS
EUROPE,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF VENEZUELA,

Defendant.

Misc. No. 23-397-LPS

NOTICE OF APPEAL

Pursuant to Federal Rules of Appellate Procedure 3 and 4, notice is hereby given that Petróleos de Venezuela, S.A. (“PDVSA”), intervenor-defendant in the above-captioned cases, hereby appeals to the U.S. Court of Appeals for the Third Circuit from this Court’s Opinion and Order dated November 1, 2023 (“November 1 Order”), and all interlocutory orders and opinions giving rise to the November 1 Order. Among other things, that order denied PDVSA’s cross-motion to dismiss based on sovereign immunity under the Foreign Sovereign Immunities Act (FSIA), 28 U.S.C. 28 U.S.C. §§ 1330, 1602, *et seq.*

In the stipulations governing these cases, the parties agreed that, unless reversed, modified, or overruled, the Third Circuit’s decision in *OI European Grp. B.V. v. Bolivarian Republic of Venezuela*, 73 F.4th 157 (3d Cir. 2023), establishes that PDVSA and its assets are not immune from the attachment motions in these actions. Furthermore, PDVSA expressly preserved its right to appeal from the Court’s FSIA determination. *See* No. 21-18, D.I. 52 at 3; No. 22-131, D.I. 51 at 3; No. 22-263, D.I. 51 at 3; No. 23-340, D.I. 11 at 3; No. 23-360, D.I. 11 at 3; No. 23-361, D.I. 11 at 3; No. 23-378, D.I. 18 at 4; No. 23-379, D.I. 17 at 4; No. 23-397, D.I. 11 at 4. Because the November 1 Order denied PDVSA’s cross-motion to dismiss on FSIA grounds, that order is immediately appealable under the collateral order doctrine. *Crystallex Int’l Corp. V. Bolivarian Republic of Venezuela*, 932

F.3d 126, 136 & n.3 (3d Cir. 2019) (citing *Fed. Ins. Co. v. Richard I. Rubin & Co.*, 12 F.3d 1270, 1279-82 (3d Cir. 1993)). PDVSA files this notice of appeal to preserve its rights consistent with the parties' stipulations.

HEYMAN ENERIO GATTUSO & HIRZEL, LLP

/s/ Samuel T. Hirzel, II

OF COUNSEL:

CURTIS, MALLET PREVOST,
COLT & MOSLE LLP

Joseph D. Pizzurro (*pro hac vice*)
Kevin A. Meehan (*pro hac vice*)
Juan O. Perla (*pro hac vice*)
Aubre G. Dean (*pro hac vice*)
Allesandra D. Tyler (*pro hac vice*)
101 Park Avenue
New York, NY 10178
(212) 696-6000
jpizzurro@curtis.com
kmeehan@curtis.com
jperla@curtis.com
adean@curtis.com
at Tyler@curtis.com

Samuel T. Hirzel, II (#4415)
Brendan Patrick McDonnell (#7086)
300 Delaware Avenue, Suite 200
Wilmington, DE 19801
(302) 472-7300
SHirzel@hegh.law
bmcdonnell@hegh.law

*Attorneys for Intervenor Petróleos de
Venezuela, S.A.*

December 1, 2023